

## **MITIGATED NEGATIVE DECLARATION**

July 6, 2006

Project Name: Caney Minor Subdivision

Project Number(s): TPM 20929, Log No. 05-02-011

**This Document is Considered Draft Until it is Adopted by the Appropriate  
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
  - b. Environmental Analysis Form and attached extended studies for Stormwater Management, Cultural Resources, Drainage, and Fire Protection.
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.
2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

B. THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A PARCEL MAP IS APPROVED BY THE COUNTY OF SAN DIEGO, DEPARTMENT OF PUBLIC WORKS, AND FILED WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY:

1. On the Final Parcel Map, grant to the County of San Diego a perpetual Noise Protection Easement, as shown on Tentative Parcel Map 20929 dated June 5, 2006. The easement shall be placed over the first 360 feet from the centerline of Cole Grade Road on Parcel 1. The easement is for the mitigation of present and anticipated future excess noise levels on residential uses of the affected Parcel.

C. THE FOLLOWING IMPROVEMENTS MAY BE COMPLETED PRIOR TO RECORDING OF A PARCEL MAP OR THEY MUST BE LISTED ON THE PARCEL MAP AND THE SUBDIVIDER SHALL EXECUTE A "COVENANT OF IMPROVEMENT REQUIREMENTS" WHICH SHALL LIST THE CONDITIONS THAT REMAIN TO BE COMPLETED. THE COVENANT SHALL BE RECORDED BY THE COUNTY OF SAN DIEGO, DEPARTMENT OF PUBLIC WORKS, PRIOR TO RECORDING THE PARCEL MAP. THE COVENANT SHALL BE NOTED ON THE PARCEL MAP.

(IMPROVEMENT PLANS AND COST ESTIMATES ARE NOT DEFERRABLE)

THE COVENANT OF IMPROVEMENT REQUIREMENTS SHALL NOTE THE ESTIMATE OF COST TO INSTALL AND/OR CONSTRUCT ANY DEFERRED IMPROVEMENTS. THE ESTIMATE OF COST SHALL BE BASED UPON IMPROVEMENT PLANS. THE PLANS SHALL INCLUDE A SIGNED STATEMENT BY THE PRIVATE ENGINEER-OF-WORK STATING THAT THE PLANS ARE SUFFICIENT FOR THE PURPOSE OF PROVIDING THE REQUIRED ESTIMATE OF THE COST FOR THE PRIVATE EASEMENT ROADS AND PRIVATE FACILITIES. THE ESTIMATE SHALL HAVE THE ENGINEER'S SIGNATURE AND STAMP ON THE FRONT PAGE ALONG WITH A STATEMENT THAT IT IS THE ENGINEER'S ESTIMATE OF THE APPROXIMATE COST AS OF THE

DATE THE ESTIMATE WAS PREPARED FOR THE PRIVATE ROAD AND FACILITIES REQUIRED BY THE FINAL NOTICE OF APPROVAL AND THE SAN DIEGO COUNTY STANDARDS FOR PRIVATE STREETS. SAID COVENANT SHALL BE TITLED "COVENANT OF IMPROVEMENT REQUIREMENT, A BUILDING PERMIT PROHIBITION".

IF THE COVENANT HAS BEEN RECORDED, NO BUILDING PERMIT AND NO FURTHER GRANT OF APPROVAL FOR DEVELOPMENT MAY BE ISSUED UNTIL THE SUBDIVIDER PRESENTS A COPY OF THE RELEASE OF IMPROVEMENT REQUIREMENTS RECORDED BY THE DEPARTMENT OF PUBLIC WORKS, STATING THAT ALL OF THE REQUIRED IMPROVEMENTS LISTED IN THE COVENANT OF IMPROVEMENT REQUIREMENTS AND NOTED ON THE PARCEL MAP HAVE BEEN COMPLIED WITH, EXCEPT A GRADING OR CONSTRUCTION PERMIT AND/OR A PERMIT TO INSTALL UTILITIES WITHIN THE PRIVATE EASEMENT MAY BE ISSUED. (NOTE: FOR WATER STORAGE FACILITIES AND/OR FUEL BREAKS, A RELEASE OF IMPROVEMENT REQUIREMENTS IS ONLY REQUIRED TO STATE THAT THE IMPROVEMENTS HAVE BEEN COMPLIED WITH FOR THE PARTICULAR PARCEL FOR WHICH A BUILDING PERMIT IS BEING REQUESTED.) [DPW] [DPLU]

1. Prior to the issuance of any building or grading permit for any residential use within the noise protection easement located on Parcel 1, the applicant shall:
  - a. Complete to the satisfaction of the Director of the Department of Planning and Land Use, an acoustical analysis performed by a County certified acoustical engineer, demonstrating that the present and anticipated future noise levels for the interior and exterior of the residential dwelling will not exceed the allowable sound level limit of the Noise Element of the San Diego County General Plan [exterior (60 dB CNEL), interior (45 dB CNEL)]. Future traffic noise level estimates for Cole Grade Road shall use a traffic flow equivalent to a Level of Service "C" traffic flow for a Collector road that is the designated General Plan Circulation Element buildout roadway classification.
  - b. Incorporate to the satisfaction of the Director of the Department of Planning and Land Use all of the recommendations or mitigation measures of the acoustical analysis into the project design and building plans.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

B. THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A PARCEL MAP IS APPROVED BY THE COUNTY OF SAN DIEGO, DEPARTMENT OF PUBLIC WORKS, AND FILED WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY:

1. Prior to issuance of grading permits or construction permits, or on the Map, whichever comes first, the applicant shall:

a. Grant to the County of San Diego a Limited Building Zone Easement for fire protection purposes as shown on the Figure 5 - Fire Protection Plan Map Exhibit of the Fire Protection Plan for TPM 20929 dated **July 2005** on file with the Department of Planning and Land Use as Environmental Review Number 05-02-011. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes on adjacent properties and prohibits the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are:

(1) Decking, fences, and similar facilities, provided that the structures meet the minimum Fire-Resistive Construction Requirements as defined by the Fire Protection Authority (FPA) having jurisdiction over the property.

(2) Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification beyond the clearing/fuel modification required for the primary structures on the property.

2. THE PARCEL MAP SHALL SHOW AN ACCURATE AND DETAILED VICINITY MAP.
3. SIGHT DISTANCE [DPW]
  - a. Have a registered civil engineer, a registered traffic engineer, or a licensed surveyor provide a signed statement that: "Physically, there is a minimum adequate unobstructed sight distance in both directions along Cole Grade Road from the proposed private easement road serving the project, for the prevailing operating speed of traffic on Cole Grade Road Road, per Section 6.1.E of the County Public Road Standards (approved July 14, 1999)". If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required." These certifications shall be to the satisfaction of the Director of Public Works.
4. PRIVATE ROAD EASEMENTS [DPW] [FIRE]
  - a. The Parcel Map shall show a minimum forty-feet (40') private easement road from northeast corner of Parcel 1 westerly to Cole Grade Road.
5. ROAD DEDICATIONS [DPW]
  - a. Offer to dedicate the right-of-way required to complete a forty-eight feet (48') wide, one-half right-of-way width on each side of the ultimate centerline of the existing Cole Grade Road, plus the right to construct and maintain slopes and drainage improvements as required beyond the forty-eight feet (48') limit for that portion within the land division. The Parcel Map shall be prepared to show the offer being accepted. The above shall be to the satisfaction of the Director of Public Works.
  - b. Offer to dedicate the right-of-way required to complete a forty-eight feet (48') wide, one-half right-of-way width on each side of the ultimate centerline of the Cole Grade Road (SA 120) [minimum centerline radius twelve hundred feet (1,200')], plus the right to construct and maintain slopes and drainage improvements as required beyond the forty-eight

feet (48') limit for that portion within the land division. The Parcel Map shall be prepared to show the offer being rejected. The above shall be to the satisfaction of the Director of Public Works.

- c. All off map dedications shall be by separate document.
- d. The subdivider shall relinquish access rights into Cole Grade Road along the frontage of Parcel 1, except for one forty-foot (40') private road easement.

6. CIRCULATION ELEMENT ROADS [DPW]

- a. Prior to preparation of the Parcel Map, contact Route Locations of the Department of Public Works (874-4202) to determine the desired location of the centerline for Cole Grade Road (SA 120), which is shown on the Circulation Element of the County General Plan as a Collector Road with bike lane. The following shall be shown on the Parcel Map:
  - (1) The centerline location as approved by the County of San Diego, Department of Public Works.
  - (2) The width of the right-of-way which is forty-eight feet (48') from the centerline and identified by a line drawn at the appropriate location and labeled, "Limit of Proposed Street Widening." The additional five feet (5') is for a bicycle facility.
  - (3) A building line which is seventy-eight feet (78') from the centerline of the road and identified by a line drawn at the appropriate location and labeled, "Limit of Building Line."
  - (4) Show the ultimate drainage and slope limits on the Parcel Map. A profile and cross-section sufficient to verify these limits shall be submitted to the County of San Diego, Department of Public Works, for review and approval.

7. SPECIAL DISTRICTS/ROAD MAINTENANCE/COVENANTS/  
DEVELOPMENT IMPACT FEES [DPW]

- a. The subdivider shall authorize special districts to process the project into the San Diego County Street Lighting District. After recordation of the Parcel Map, the land division shall be transferred, without notice or hearing, to Zone "A" of the San Diego County Street Lighting District to maintain existing street lights.
- b. The subdivider shall provide for maintenance of (the) on-site road that serves the project through a private road maintenance agreement(s).

8. FACILITY/UTILITY ARRANGEMENTS [DPW] [DPLU]

- a. The subdivider shall comply with Section 66436 of the Government Code by furnishing to the County of San Diego, Department of Public Works, a certification from each public utility and each public entity owning easements within the proposed land division stating that: (a) they have received from the subdivider a copy of the proposed Parcel Map; (b) they object or do not object to the filing of the Map without their signature. [DPW]
- b. Prior to recordation of the Parcel Map, approval of improvement and/or grading plans, issuance of excavation permits, and issuance of any further grant of approval, the owners of this project will be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.

C. BECAUSE THEY HAVE BEEN FOUND NECESSARY FOR THE PUBLIC HEALTH AND SAFETY AND ARE A NECESSARY PREREQUISITE TO THE ORDERLY DEVELOPMENT OF THE AREA, THE FOLLOWING PUBLIC IMPROVEMENTS MUST BE COMPLETED, OR A SECURED AGREEMENT EXECUTED, PRIOR TO RECORDING A PARCEL MAP. THE AGREEMENT REQUIRES POSTING SECURITY IN FORM OF A CASH DEPOSIT, IRREVOCABLE LETTER OF CREDIT OR AN INSTRUMENT OF CREDIT VALUED AT, OR MORE THAN, THE ESTIMATED IMPROVEMENT COST. IT ALSO REQUIRES

IMPROVEMENTS BE COMPLETED WITHIN TWENTY-FOUR (24) MONTHS OF RECORDING THE PARCEL MAP, AND PRIOR TO GRANTING OF ANY APPROVAL OF DEVELOPMENT OF ANY PARCEL CREATED BY THIS MAP, EXCEPT BUILDING AND ASSOCIATED PERMITS CAN BE ISSUED REQUIRING COMPLETION OF PUBLIC IMPROVEMENTS PRIOR TO OCCUPANCY OF THE BUILDING.

1. PUBLIC ROAD IMPROVEMENTS [DPW]

- a. Cole Grade Road, along a project frontage shall be improved in accordance with Public Road Standards to a [one-half] graded width of forty-eight feet (48') with thirty-eight feet (38') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and sidewalk with face of curb at thirty-eight feet (38') from centerline to the satisfaction of the Director of Public Works. Provide traffic striping for a transition asphalt concrete and taper transition to match the existing asphalt concrete pavement to the satisfaction of the Director of Public Works.
- b. All new and existing utility distribution facilities, including cable television lines, shall be placed underground. All utility installations shall be completed before surfacing the streets and installing concrete curbs, gutters, and sidewalks.
- c. Portland cement concrete cross gutters shall be constructed where water crosses the roadways.
- d. The exact depth of improved base material shall be based on soil tests approved by the County of San Diego, Director of Public Works.
- e. A construction permit shall be obtained for the work within the right-of-way.
- f. Plans for public road improvements shall be prepared by a registered civil engineer and submitted to the County of San Diego, Director of Public Works. The following items shall also apply:
  - (1) Street alignment and grade, including the change of any existing or proposed street alignment and grade,



shall be as required by the County of San Diego,  
Director of Public Works.

- (2) Sight distance at all intersections shall conform to the intersectional sight distance criteria as provided by the County of San Diego Public Road Standards.
- (3) Plans and specifications for the improvement of all streets, rights-of-way, drainage easements and all culverts, drainage channels and all private easements shall meet with the approval of the County of San Diego, Director of Public Works.

- g. The County Engineer will assign a road survey number to the off-site public roads being created. The subdivider shall show the centerline monumentation set, right-of-way lines and ties to adjacent property on the Parcel Map or file with the County Recorder a Record of Survey, after approval by the County Engineer.

- D. THE FOLLOWING IMPROVEMENTS MAY BE COMPLETED PRIOR TO RECORDING OF A PARCEL MAP OR THEY MUST BE LISTED ON THE PARCEL MAP AND THE SUBDIVIDER SHALL EXECUTE A "COVENANT OF IMPROVEMENT REQUIREMENTS" WHICH SHALL LIST THE CONDITIONS THAT REMAIN TO BE COMPLETED. THE COVENANT SHALL BE RECORDED BY THE COUNTY OF SAN DIEGO, DEPARTMENT OF PUBLIC WORKS, PRIOR TO RECORDING THE PARCEL MAP. THE COVENANT SHALL BE NOTED ON THE PARCEL MAP.

(IMPROVEMENT PLANS AND COST ESTIMATES ARE NOT DEFERRABLE) THE COVENANT OF IMPROVEMENT REQUIREMENTS SHALL NOTE THE ESTIMATE OF COST TO INSTALL AND/OR CONSTRUCT ANY DEFERRED IMPROVEMENTS. THE ESTIMATE OF COST SHALL BE BASED UPON IMPROVEMENT PLANS. THE PLANS SHALL INCLUDE A SIGNED STATEMENT BY THE PRIVATE ENGINEER-OF-WORK STATING THAT THE PLANS ARE SUFFICIENT FOR THE PURPOSE OF PROVIDING THE REQUIRED ESTIMATE OF THE COST FOR THE PRIVATE EASEMENT ROADS AND PRIVATE FACILITIES. THE ESTIMATE SHALL HAVE THE ENGINEER'S SIGNATURE AND STAMP ON THE FRONT PAGE ALONG WITH A STATEMENT THAT IT IS THE ENGINEER'S ESTIMATE OF THE APPROXIMATE COST AS OF THE DATE THE ESTIMATE WAS

PREPARED FOR THE PRIVATE ROAD AND FACILITIES REQUIRED BY THE FINAL NOTICE OF APPROVAL AND THE SAN DIEGO COUNTY STANDARDS FOR PRIVATE STREETS. SAID COVENANT SHALL BE TITLED "COVENANT OF IMPROVEMENT REQUIREMENT, A BUILDING PERMIT PROHIBITION".

IF THE COVENANT HAS BEEN RECORDED, NO BUILDING PERMIT AND NO FURTHER GRANT OF APPROVAL FOR DEVELOPMENT MAY BE ISSUED UNTIL THE SUBDIVIDER PRESENTS A COPY OF THE RELEASE OF IMPROVEMENT REQUIREMENTS RECORDED BY THE DEPARTMENT OF PUBLIC WORKS, STATING THAT ALL OF THE REQUIRED IMPROVEMENTS LISTED IN THE COVENANT OF IMPROVEMENT REQUIREMENTS AND NOTED ON THE PARCEL MAP HAVE BEEN COMPLIED WITH, EXCEPT A GRADING OR CONSTRUCTION PERMIT AND/OR A PERMIT TO INSTALL UTILITIES WITHIN THE PRIVATE EASEMENT MAY BE ISSUED. (NOTE: FOR WATER STORAGE FACILITIES AND/OR FUEL BREAKS, A RELEASE OF IMPROVEMENT REQUIREMENTS IS ONLY REQUIRED TO STATE THAT THE IMPROVEMENTS HAVE BEEN COMPLIED WITH FOR THE PARTICULAR PARCEL FOR WHICH A BUILDING PERMIT IS BEING REQUESTED.) [DPW] [DPLU]

1. PRIVATE ROAD IMPROVEMENTS [DPW] [FIRE]

- a. The proposed private easement road, from Northeast corner of Parcel 1 westerly to Cole Grade Road, shall be graded twenty-eight feet (28') wide and improved twenty-four feet (24') wide with asphalt concrete. The Improvement and Design Standards of Section 3.1(C) of the County Standards for Private Streets for one hundred (100) or less trips shall apply to the satisfaction of the Director of Public Works.
- b. Plans and a processing deposit for the private road improvements, as determined by the County of San Diego, Department of Public Works, shall be submitted to the Improvements and Grading Counter of the County of San Diego, Department of Public Works. All improvement plans shall be designed in accordance with County Standards for Private Streets.

- c. Prior to construction of private road improvements, the subdivider shall notify the County of San Diego, Department of Public Works, submit copies of the blueline plans, and post an inspection deposit.
- d. A registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The proposed private easement road, including all slopes, from northeast corner of Parcel 1 westerly to Cole Grade Road, are constructed entirely within the easement, including drainage structures, for the benefit of the land division." easement, mitigating structures shall be utilized so the improvement is within the easement or slope rights/a letter of permission shall be obtained/granted and the engineer or surveyor shall further certify that: "Slope rights/a letter of permission has been obtained/granted for work outside of the easement limits."
- e. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing. The above shall be done to the satisfaction of the Director of Public Works.
- f. A permit shall be obtained from the County of San Diego, Department of Public Works for the improvements to be made within the public right-of-way. The connection of the private easement road to the County road will have to match the construction of the public road. A copy of the permit, proof of payment, and evidence that all the requirements of the permit have been met, shall be submitted to the Land Development Counter Services of the County of San Diego, Department of Public Works.
- g. The proposed private easement road shall have an unobstructed vertical clearance of thirteen feet, six inches (13' 6") to the satisfaction of the Fire Protection District/Fire Department. [FIRE]

E. WAIVER AND EXCEPTIONS [DPW] [DPLU]

1. This subdivision is hereby approved pursuant to the provisions of the State Subdivision Map Act, the County of San Diego Subdivision Ordinance, the County of San Diego Public and Private Road Standards and all other required ordinances of San Diego County except for a waiver or modification of public road improvements requirements on Cole Grade Road along project frontage (Section C.1.).

County of San Diego Subdivision Ordinance, Section 81.703(a)(1), to dedicate and improve streets in accordance with San Diego County Standards. This modification is granted because of the following reasons:

- a. The ultimate improvement width is more than the required right of way's dedication width.
- b. It is unlikely that there will be any future road widenings by existing owners or by future development in the vicinity of the project.
- c. There are no curbs, gutters, sidewalks, or road widening improvements in the immediate vicinity and widening the road to ultimate width would be inconsistent with the existing roads in the area.
  - (1) Spot improvements would be undesirable because of:
    - (a) Road transitional problems;
    - (b) Drainage pickup and discharge (no continuity); and
    - (c) Utility relocation problems.

F. OTHER REQUIREMENTS [DPW] [DPLU]

1. The Basis of Bearings for the Parcel Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control. **To be in compliance with the Public Resources Code, all Parcel Map surveys performed after January 1, 2000 must use a Basis of**

**Bearings established from existing Horizontal Control Stations with first order accuracy.**

2. Prior to January 1, 2000, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California coordinate values of Third order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of Ground-to-Grid distances shall be shown on the map, all to the satisfaction of the County of San Diego, Director of Public Works (Refer to San Diego County Subdivision Ordinance Section 81.811 and 81.506[jj]).

After December 31, 1999, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California Coordinate values of first order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as Ground distances. A combined factor for conversion of Grid-to-Ground distances shall be shown on the map.

For purposes of this section, the date of survey for the field observed connections shall be the date of survey as indicated in the surveyor's/engineer's certificate as shown on the final map.

3. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than 1 acre require that the property owner keep additional and updated information onsite concerning stormwater runoff. This

requirement shall be to the satisfaction of the Director of Public Works.

4. Driveways shall have a minimum of sixteen feet (16') of improved width. Private residential driveways more than one hundred fifty feet (150') shall be provided with approved provisions for emergency vehicle turnaround to the satisfaction of the Valley Center Fire Protection District and the County of San Diego, Director of Public Works. [DPW] [FIRE]

**ADOPTION STATEMENT:** This Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

\_\_\_\_\_

on \_\_\_\_\_

CATHY CIBIT, Planning Manager  
Regulatory Planning Division

CC:NM:jcr

ND07-06\0502011-ND